

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

Plaintiff,

DECISION AND ORDER

06-CR-6136L
07-CV-6284L

v.

LAVARR FULLER,

Defendant.

Defendant, Lavarr Fuller ("Fuller"), pleaded guilty to a one count information, pursuant to a written plea agreement, on July 25, 2006. Pursuant to that agreement, Fuller was sentenced on August 25, 2006, principally to 60 months imprisonment. The plea agreement contained a provision by which Fuller agreed to waive any appeal or the filing of any collateral proceeding.

Fuller has now filed several documents on or about May 25, 2007 captioned in a variety of ways. One paper is described as a "Notice to Agent is Notice to Principal" and also appears in another part of the document as a "Petition to Vacate Conviction." It is very difficult to determine the precise nature of the relief requested. On the one hand, defendant seeks some sort of injunctive relief, but also seeks money damages of no less than \$16 million dollars.


I treat this as a petition under 28 U.S.C. § 2255. The motion is unclear and frivolous and states no basis for relief for a violation of the Constitution. Furthermore, the petition violates the

plea agreement which precludes the filing of any appeal or commencing a collateral proceeding. The petition is a mass of words with no substance and no basis for relief.

CONCLUSION

The petition (Dkt. #31) is in all respects dismissed.

IT IS SO ORDERED.



DAVID G. LARIMER
United States District Judge

Dated: Rochester, New York
June 18, 2007.